

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NOTHERN DISTRICT OF TEXAS  
ABILENE DIVISION**

**IN RE:  
RACHEL MARIE VOGT**

**CASE NO. 13-10260 - RLJ -13**

**DEBTOR(S)**

**Hearing Date: 1/2/2014**

**Hearing Time: 11:00 AM**

**TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

COMES NOW WALTER O'CHESKEY, Standing Chapter 13 Trustee (hereinafter referred to as Trustee), and files this Objection to Confirmation in opposition to confirmation of Debtors' Chapter 13 Plan and Motion for Valuation filed herein by the above debtor(s), and would respectfully show the Bankruptcy court:

- 1 Debtor(s) filed for relief under Chapter 13 of the United States Bankruptcy Code on 10/22/2013.
- 2 Debtor(s) are below median income per 11 U.S.C. Sec. 1325 (b)(4).
- 4 Trustee alleges the Debtor sold the homestead in July 2013. The \$40,000.00 net proceeds were spent in ways other than reinvesting in a home. Trustee requests \$40,000.00 be acknowledged as equity in non-exempt property.
- 5 Trustee objects to confirmation in accordance with 11 U.S.C. 1325 (a)(4).
- 6 Trustee alleges the form 22c does not include all of Ms. Vogt's income from the sale of the homestead and shows the Debtor to be below median income.
- 7 Trustee is unable to verify all available monthly disposable income is being committed to the Plan and objects to confirmation in accordance with 11 U.S.C. 1325(b)(1)(B).

WHEREFORE, the Trustee prays that the Bankruptcy Court deny Confirmation of the Debtor(s) Chapter 13 Plan and Motion for Valuation and for such other relief to which this bankruptcy estate may be justly entitled.

Date: 12/23/2013

Respectfully submitted,  
/s/ Walter O'Cheskey  
6308 Iola Avenue  
Lubbock, TX 79424

I hereby certify that a true and correct copy of the foregoing Trustee's Objection to Confirmation was this date served on the following parties at the addresses listed below by electronic service or by U.S. First Class Mail:

Debtor(s) Attorney  
MONTE J WHITE  
ATTORNEY AT LAW  
1106 BROOK AVE HAMILTON PLAC  
WICHITA FALL TX 76301-0000

Debtor(s)  
RACHEL MARIE VOGT  
  
2801 GOOD SHEPHARD DR  
  
BROWNWOOD TX 76801

Date: 12/23/2013

/s/ Walter O'Cheskey  
Office of the Standing Trustee

RACHEL MARIE VOGT  
2801 GOOD SHEPHARD DR  
BROWNWOOD TX 76801